## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

OCEANIC EXPLORATION COMPANY and PETROTIMOR COMPANHIA DE PETROLEOS, S.A.R.L.,	) ) ) )
Plaintiffs,	)
v.	) Case No. 1:04-cv-00332-EGS
CONOCOPHILLIPS, INC., et al.,	)
Defendants.	) ) )

## APPENDIX OF MATERIALS CITED IN CONOCOPHILLIPS DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

Martin D. Beirne (D.D.C. Bar # TX0025) Jeffrey T. Nobles\* W. Bruce Stanfill\* David A. Pluchinsky\* BEIRNE, MAYNARD & PARSONS, LLP 1300 Post Oak Blvd., 25th Floor Houston, TX 77056 (713) 623-0887 (713) 960-1527 (facsimile)

\* Pro hac vice applications pending

Michael D. Jones (D.C. Bar # 417681) Christopher Landau (D.C. Bar # 425319) Brant W. Bishop (D.C. Bar # 459255)

Thomas D. Yannucci, P.C. (D.C. Bar # 358989)

Susan Engel

KIRKLAND & ELLIS LLP 655 Fifteenth Street, N.W. Washington, DC 20005

(202) 879-5000

(202) 879-5200 (facsimile)

Russell D. Howell (Of Counsel) CONOCOPHILLIPS COMPANY McLean Building 600 North Dairy Ashford Road P.O. Box 4783 Houston, TX 77210

Counsel for Defendants ConocoPhillips; ConocoPhillips Company; Tokyo Timor Sea Resources Inc.; Phillips Petroleum Company ZOC: Phillips Petroleum Company Indonesia; Phillips Petroleum (96-20), Inc.; Phillips Petroleum Production Indonesia, Inc.; Phillips Indonesia, Inc.; Phillips International Investment, Inc.; ConocoPhillips (03-21) Pty Ltd; ConocoPhillips (03-12) Pty Ltd; ConocoPhillips (03-13) Pty Ltd; ConocoPhillips (03-19) Pty Ltd; ConocoPhillips (03-16) Pty Ltd; ConocoPhillips (03-20) Pty Ltd; ConocoPhillips Australia Pty Ltd; ConocoPhillips Australia Gas Holdings Pty Ltd; ConocoPhillips JPDA Pty Ltd (f/k/a and also sued as Phillips Petroleum Company ZOC Pty Ltd); ConocoPhillips Pipeline Australia Pty Ltd; ConocoPhillips STL Pty Ltd; ConocoPhillips WA-248 Pty Ltd; Darwin LNG Pty Ltd; and Tokyo Timor Sea Resources Pty Ltd

## **CONTENTS**

- TAB 1 Jose Ramos-Horta, Suit a Distraction for East Timor's Nation Building, Aust. Fin. Rev., Apr. 17, 2004
- TAB 2 Central Intelligence Agency, *The World Factbook*, Maps of Oceania and Southeast Asia, <a href="http://www.cia.gov/cia/publications/factbook/reference\_maps/">http://www.cia.gov/cia/publications/factbook/reference\_maps/</a> oceania.html>; <a href="http://www.cia.gov/cia/publications/factbook/reference\_maps/southeast\_asia">http://www.cia.gov/cia/publications/factbook/reference\_maps/southeast\_asia</a>. html> (last visited Jun 6, 2004)
- TAB 3 G.A. Res. 1514 (XV), U.N. GAOR, 15th Sess., Supp. No. 16, at 66-67, U.N. Doc. A/4684 (1961);
  G.A. Res. 1541(XV), U.N. GAOR, 15th Sess., Supp. No. 16, at 29-30, U.N. Doc. A/4684 (1961)
- TAB 4 Agreement Establishing Certain Seabed Boundaries, May 18, 1971, Austl.-Indon., 1973 Austl. T. S. No. 31
- TAB 5 Agreement Establishing Certain Seabed Boundaries in the Area of the Timor and Arafura Seas, Oct. 9, 1972, Austl.- Indon., 1973 Austl. T.S. No. 32
- TAB 6 Timor Sea Office, Office of the Prime Minister, Government of Timor-Leste, Map of the Timor "Gap", <a href="http://www.timorseaoffice.gov.tp/gapmap.htm">http://www.timorseaoffice.gov.tp/gapmap.htm</a> (last visited June 8, 2004)
- TAB 7 U.S. Dept. of State, *Background Note: East Timor*, http://www.state.gov/r/pa/ei/bgn/26246.htm (last visited June 7, 2004)
- TAB 8 Dept. of State Telegram, Ford-Suharto Meeting (Dec. 6, 1972)
- TAB 9 Economic and Military Assistance in Asia and the Pacific: Hearing Before the Subcomm. on Asian & Pacific Affairs of the House Comm. on Int'l Relations, 95th Cong. (1977) (Statement of Robert B. Oakley, Dep. Ass't Sec'y of State for East Asian & Pacific Affairs)
- TAB 10 Human Rights in East Timor: Hearings Before the Subcomm. on Int'l Orgs. of the House Comm. on Int'l Relations, 95th Cong. (1977) (Test. of George H. Aldrich, Dep. Legal Adviser, Dep't of State)
- TAB 11 Recent Developments in East Timor: Hearing Before the Subcomm. on Asian & Pacific Affairs of the House Comm. on Foreign Affairs, 97th Cong. (1982) (Statement of John H. Holdridge, Ass't Sec'y of State for East Asian & Pacific Affairs)
- TAB 12 East Timor, Indonesia and U.S. Policy: Hearing Before the Senate Foreign Relations Comm., 102nd Cong. Annx. 9 (1992) (Statement by Kenneth M. Quinn, Dep. Ass't Sec'y of State for East Asian & Pacific Affairs)

- TAB 13 U.S. Relations with Indonesia: Hearing Before the Subcomm. on East Asian & Pacific Affairs of the Senate Foreign Relations Comm., (Statement of Winston Lord, Ass't Sec'y of State for East Asian & Pacific Affairs), 7 U.S. Dep't of State Dispatch No. 38, 465, 1996 WL 10106206 (Sept. 16, 1996)
- TAB 14 General Assembly Resolutions on East Timor:
  - G.A. Res. 31/53, U.N. GAOR, 31st Sess.., Supp. No. 39, at 125, U.N. Doc. A/31/39 (1977)
  - G.A. Res. 32/34, U.N. GAOR, 32nd Sess., Supp. No. 45, at 169-70, U.N. Doc. A/32/45 (1978)
  - G.A. Res. 33/39, U.N. GAOR, 33rd Sess., Supp. No. 45, at 181-82, U.N. Doc. A/33/45 (1979)
  - G.A. Res. 34/40, U.N. GAOR, 34th Sess., Supp. No. 46, at 206, U.N. Doc. A/34/46 (1980)
  - G.A. Res. 35/27, U.N. GAOR, 35th Sess., Supp. No. 48, at 219-20, U.N. Doc. A/35/48 (1981)
  - G.A. Res. 36/50, U.N. GAOR, 36th Sess., Supp. No. 51, at 200, U.N. Doc. A/36/51 (1982)
  - G.A. Res. 37/30, U.N. GAOR, 37th Sess., Supp. No. 51, at 227-28, U.N. Doc. A/37/51 (1983)
- TAB 15 Votes on General Assembly Resolutions on East Timor:
  - G.A. Res. 31/53 Vote, U.N. GAOR, 31st Sess., 85th plen. mtg., at 1298-99 (item 81), U.N. Doc. A/31/PV.79-109 (1978)
  - G.A. Res. 32/34 Vote, U.N. GAOR, 32nd Sess., 83rd plen. mtg., at 1419-21 (item 135), U.N. Doc. A/32/PV.77-111 (1978)
  - G.A. Res. 33/39 Vote, U.N. GAOR, 33rd Sess., 81st plen. mtg., at 1401 (item 146), U.N. Doc. A/33/PV.77-108 (1981)
  - G.A. Res. 34/40 Vote, U.N. GAOR, 34th Sess., 75th plen. mtg., at 31-33, U.N. Doc. A/34/PV.75 (prov. ed. 1979)
  - G.A. Res. 35/27 Vote, U.N. GAOR, 35th Sess., 57th plen. mtg., at 34-36, U.N. Doc. A/35/PV.55 (prov. ed. 1980)
  - G.A. Res. 36/50 Vote, U.N. GAOR, 36th Sess., 70th plen. mtg., at 28-30, U.N. Doc. A/36/PV.70 (prov. ed. 1981)

- G.A. Res. 37/30 Vote, U.N. GAOR, 37th Sess., 77th plen. mtg., at 71-73, U.N. Doc. A/37/PV.75 (prov. ed. 1982)
- TAB 16 Treaty on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia, Dec. 11, 1989, Aust.- Indon., 1991 Austl. T.S. No. 9
- TAB 17 East Timor (Port. v. Austl.), 1995 I.C.J. 90
- TAB 18 Question of East Timor: Report of the Secretary-General, U.N. SCOR, 53rd Sess., U.N. Doc. S/1999/513 (1999)
- TAB 19 S.C. Res. 1272, U.N. SCOR, 53rd Sess., 4057th mtg., U.N. Doc. S/RES/1272 (1999)
- TAB 20 Exchange of Notes Constituting an Agreement Concerning the Continued Operation of the Treaty between Australia and the Republic of Indonesia on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia of 11 December 1989, Austl.- U.N.T.A.E.T., Feb. 10, 2000 (with effect from Oct. 25, 1999), 2000 Austl. T.S. No. 9.
- TAB 21 Constitutions of the Countries of the World: Democratic Republic of East Timor (Gilbert H. Flanz et al. eds. 2002)
- TAB 22 Timor Sea Treaty, May 20, 2002, Austl.-E.Timor, 2003 Austl. T.S. No. 13
- TAB 23 Exchange of Notes, May 20, 2002, Austl.-E.Timor, 2002 Austl. T.S. No. 11
- TAB 24 Statement by Prime Minister Mari Alkatiri at Maritime Boundary Negotiations, Dili (Apr. 2004) (http://www.timorseajustice.org/mari\_alkatiri.htm) (last visited June 11, 2004)
- TAB 25 Petrotimor Companhia de Petroleos S.A.R.L. v. Commonwealth of Australia, 126 F.C.R. 354, 2003 WL 259335 (Austl. Feb. 3, 2003)
- TAB 26 Notice of Discontinuance of Application for Special Leave to Appeal, *Petrotimor Companhia de Petroleos S.A.R.L. v. Commonwealth of Australia*, Nos. S68 of 2003 and S212 of 2003 (Austl. Feb. 5, 2004)
- TAB 27 Australia v. WMC Res. Ltd., 194 C.L.R. 1, 1998 WL 1672151 (Austl. Feb. 2, 1998)
- TAB 28 Declaration of Jarl Ellingsen, Australian Defendants (June 11, 2004)
- TAB 29 Declaration of Jarl Ellingsen, Timor Sea Entities (June 11, 2004)
- TAB 30 Declaration of Satoshi Baba (June 14, 2004)
- TAB 31 Declaration of Hitoshi Nishizawa (June 14, 2004)

- TAB 32 Declaration of David Bridges (June 11, 2004)
- TAB 33 Declaration of Michael A. Gist (June 10, 2004)